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FILED
6/22/2022
Timothy W Fitzgerald
Spokane County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

NO. 22-2-02058-32

COMPLAINT FOR WRONGFUL
DEATH AND PERSONAL INJURY –
PRODUCT LIABILITY

BRENT THOMAS DODSON as Personal
Representative of the ESTATE OF SHEILA
DODSON; NATALIE BROOKE BLYZES,
individually; BRENT THOMAS DODSON,
individually; JANE BRITTANY DODSON,
individually; and MARY REBECCA OTTEN,

Plaintiffs,

v.

GREAT SPORTS, INC. an Illinois Corporation,
d/b/a SAFERWHOLESALE.COM; JOHN
DOES 1-10; and ABC CORPORATIONS 1-10

Defendants.

COME NOW the plaintiffs, by and through their attorney of record, Brandon K. Batchelor
of Russell and Hill, PLLC, and states and alleges as follows:

I. PLAINTIFFS

1.1 Sheila Dodson, the decedent, was a resident of Spokane County, Washington, at all
relevant times herein. Ms. Dodson was injured, as outlined below, on August 10, 2021, in
Spokane County, Washington. Ms. Dodson died on October 27, 2021, as a result of her injuries.

COMPLAINT FOR WRONGFUL DEATH AND
PERSONAL INJURY – PRODUCT LIABILITY - 1

RUSSELL & HILL, PLLC
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FAX - (425) 212-9168

1 1.2 Brent Thomas Dodson was duly appointed Personal Representative of the Estate of
2 Sheila Dodson in Spokane County Superior Court Cause No. 21-402614-32 on December 22,
3 2021.

4 1.3 Natalie Brooke Blyzes is the natural daughter of Sheila Dodson. Ms. Blyzes was
5 of the age of majority at the time of her mother's death. Ms. Blyzes is a resident of Texas.

6 1.4 Brent Thomas Dodson is the natural son of Sheila Dodson. Mr. Dodson was of the
7 age of majority at the time of his mother's death. Mr. Dodson is a resident of Georgia.

8 1.5 Jane Brittany Dodson is the natural daughter of Sheila Dodson. Ms. Dodson was
9 of the age of majority at the time of her mother's death. Ms. Dodson is a resident of Washington.

10 1.6 Mary Rebecca Otten is the natural daughter of Sheila Dodson. Ms. Otten is a
11 resident of Georgia.

13 **II. DEFENDANTS**

14 2.1 Great Sports, Inc. is an Illinois Corporation, with physical business locations in
15 Illinois and Florida. Great Sports, Inc. does business as SaferWholesale.com in Washington State.
16 Great Sports, Inc. d/b/a SaferWholesale.com is, as it relates to this lawsuit, a designer,
17 manufacturer, seller, and online retailer of goods.

18 2.2 John Does 1-10 and/or ABC Corporations 1-10 are individuals, employees, agents,
19 associates, corporations, and/or entities who designed, manufactured, packaged, sold, marketed,
20 and/or distributed the subject product whose true names and/or identities are currently unknown
21 to the plaintiffs. Plaintiffs thereby include these unnamed defendants by fictitious names and will
22 seek to amend this Complaint when the true names are ascertained.

23 2.3 Each Defendant named herein as a John Doe and/or ABC Corp. is responsible in
24 some manner for the events and happenings referred to herein which proximately caused injury to

1 | plaintiffs as hereinafter alleged.

2 2.4 Hereinafter all aforementioned defendants are collectively referred to as
3 “defendants.”

III. JURISDICTION AND VENUE

3.1 The Superior Court of Spokane County, State of Washington, has subject matter jurisdiction over this action pursuant to RCW 2.08.010.

3.2 Jurisdiction is proper in the State of Washington because the cause of action alleged herein arose out of activities (to wit, the transaction of business within the state and/or the commission of a tortious act within this state) within the State of Washington pursuant to RCW 4.28.185.

3.3 The Court has specific jurisdiction over the parties to this civil action because the subject incident occurred in this forum and Defendants have purposefully availed themselves of the privileges and benefits of doing business in Washington.

3.4. Defendant Great Sports, Inc. d/b/a SaferWholesale.com is subject to specific personal jurisdiction in this Court, pursuant to RCW 4.28.185, because it sold a defective and dangerous product to a resident of Washington state, and said dangerous and defective product caused injury and death as alleged herein.

3.5 Venue is proper in Spokane County, Washington pursuant to RCW 4.12.025 because, at the time of her injury and death, plaintiff Sheila Dodson was a resident of Spokane County, Washington and the subject incident took place in Spokane County, Washington.

IV. FACTS

24 4.1 Great Sports, Inc. d/b/a SaferWholesale.com is an online retailer who sells goods
25 in Washington State.

1 4.2 On or about June 20, 2021, Great Sports, Inc. d/b/a SaferWholesale.com sold a
2 1000W Electric Powered Tricycle Motorized 3 Wheel Trike Scooter Bicycle – Critter SLC
3 (“Critter Trike”) to Sheila Dodson, a resident of Washington State. [The photo below depicts the
4 Critter Trike and was copied from SaferWholesale.com.]



17 4.3 The Critter Trike was marketed on an internet website to Sheila Dodson, a resident
18 of Washington State.

19 4.4 The Critter Trike was shipped by Great Sports Inc. d/b/a SaferWholesale.com to
20 Sheila Dodson’s residence in Spokane, Spokane County, Washington.

21 4.5 The Critter Trike was and is advertised on SaferWholesale.com as an adult tricycle
22 that “can safely and smoothly get you where you need to go” with an “easy to operate design.”
23 The Critter Trike is also advertised as “America’s favorite trike.”

24 4.6 The Critter Trike can be used by the operator in two separate modes. (1) It can be
25 peddled by the rider to propel the vehicle forward, or (2) it can use a battery-powered electric

1 motor to propel the vehicle forward.

2 4.7 When operated using the electric motor, the Critter Trike is front-wheel-drive, with
3 a rechargeable lithium battery providing power to an electric motor located in the center of the
4 front wheel of the vehicle. [The photo below depicts the Critter Trike and was copied from
5 SaferWholesale.com; the added yellow arrow points to the electric motor on the Critter Trike.]
6



20 4.8 Above the front wheel of the Critter Trike is a metal wire storage basket.
21

22 4.9 The storage basket is affixed to the handlebars of the Critter Trike.
23

24 4.10 The storage basket is also supported from below by a metal wire bracket that is
25 mounted to the front fork of the bike. The photo below depicts the Critter Trike and was copied
from SaferWholesale.com; the added yellow arrow points to the wire support bracket under the

1 storage basket.]



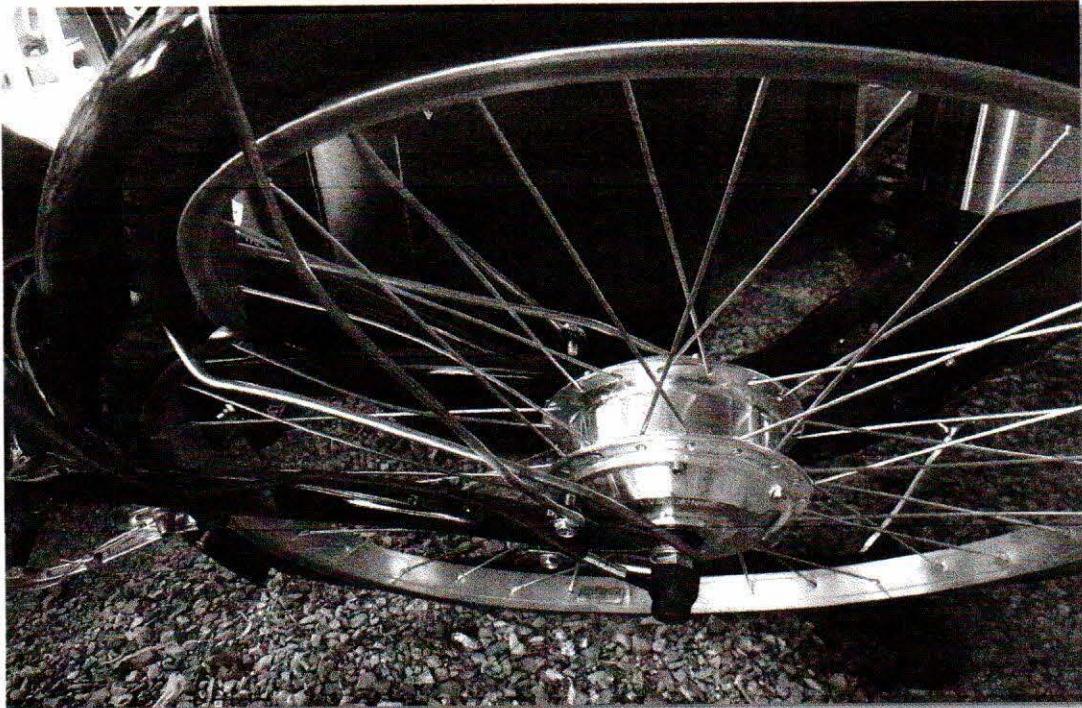
16 4.11 The storage basket is not affixed in any way to the supporting wire bracket. The
17 storage basket, instead, merely sits atop the supporting wire bracket.

18 4.12. Before selling the Critter Trike to Sheila Dodson, Great Sports Inc. d/b/a
19 SaferWholesale.com had actual knowledge that the wire bracket on the Critter Trike was not
20 affixed to the front storage basket.

22 4.13 On or about August 10, 2021, Sheila Dodson was riding her Critter Trike on a
23 public street in Spokane, Spokane County, Washington.

24 4.14 While riding her Critter Trike using the battery powered electric motor, the wire
25 support bracket on the front of her Critter Trike came loose from the underside of the front storage

1 basket, fell, and wrapped around the center hub of the front wheel of the Critter Trike. [The photo
2 below depicts the front fork and front wheel of Sheila Dodson's Critter Trike after failure.]



4.15 The force of the failure broke the front wheel of Ms. Dodson's Critter Trike and
folded the front fork Critter Trike.

4.16 The force of the failure also threw Ms. Dodson violently over the front handlebars
and onto the roadway in front of her.

4.17 Ms. Dodson suffered serious injuries as a result of the failure of her Critter Trike.

4.18 Ultimately, Ms. Dodson succumbed to her injuries and she died as a result of them
on October 27, 2021.

V. CAUSE OF ACTION – STRICT PRODUCT LIABILITY

5.1 At all times referenced herein, defendants were engaged in the business of
designing, manufacturing, fabricating, assembling, distributing, selling, inspecting, retailing,

1 wholesaling, and marketing Critter Trikes and the Critter Trike sold to Sheila Dodson.

2 5.2 Defendants are product sellers within the meaning of RCW 7.72.010(1) and sold
 3 the Critter Trike product that is the subject of this action to decedent Sheila Dodson. The Critter
 4 Trike product purchased and used by Sheila Dodson is a product within the meaning of RCW
 5 7.72.010 (3).

6 5.3 Under RCW 7.72.040(1)(a), as a seller of goods to the public, Defendants had a
 7 duty to use reasonable care in providing information and warnings to the users of the Critter Trike
 8 regarding dangers associated with the use of the Critter Trike of which defendants were aware, or
 9 through the exercise of reasonable care, should have been aware.

10 5.4 In violation of the Washington Product Liability Act, RCW 7.72 *et. seq.*, at the time
 11 the Critter Trike left control of Great Sports, Inc. d/b/a SaferWholeSale.com, it was defectively
 12 and not reasonably safe for reasons that include:

13 a. The Critter Trike was not reasonably safe in its design regarding the front
 14 basket and support bracket, resulting in the failure described herein;

15 b. The Critter Trike was unsafe to an extent beyond that which would be
 16 contemplated by Sheila Dodson, an ordinary consumer;

17 c. At the time of design and/or manufacture, the likelihood the Critter Trike
 18 would cause injury, death, or other damage similar to that suffered by Sheila Dodson, and the
 19 seriousness of such injury, death, or damage, outweighed the small burden on the designer or
 20 manufacturer to design a product that would have prevented Sheila Dodson's injuries and
 21 outweighed the adverse effect an alternative design that was practical and feasible would have on
 22 the usefulness of the Critter Trike;

23 d. The Critter Trike was not reasonably safe because adequate warnings or

1 instructions were not provided with the Critter Trike about the risks, dangers, and harms presented
 2 by the Critter Trike, as designed and manufactured.

3 e. The likelihood the Critter Trike would cause injuries similar to those of
 4 Sheila Dodson and the seriousness of those injuries rendered the warnings or instructions provided
 5 by defendants inadequate, and adequate warnings or instructions could have been provided.

6 f. Great Sports, Inc. d/b/a SaferWholesale.com expressly knew of the
 7 dangerousness of the design and/or manufacture defect of the Critter Trike outlined herein prior to
 8 selling the same to Sheila Dodson.

9 5.5 Defendants are strictly liable because the Critter Trike did not conform to
 10 Defendants' express or implied warranties.

11 5.6 Defendants are strictly liable because the Critter Trike materially deviated from the
 12 design specifications or performance standards of the manufacturer, and materially deviated from
 13 otherwise identical units of the same product line, to an extent beyond which would be
 14 contemplated by the ordinary consumer.

15 5.7 Defendants conduct described herein was undertaken by its officers or managing
 16 agents, who were responsible for the design, manufacture, marketing, wholesaling, retailing,
 17 distributing, packaging, and warnings regarding use of the Critter Trike. The aforementioned
 18 conduct of said managing agents and individuals was therefore undertaken on behalf of defendants.
 19 Defendants had advance knowledge of the actions and conduct of these individuals whose actions
 20 and conduct were ratified, authorized, and approved by managing agents.

23 **VI. CAUSE OF ACTION – NEGLIGENCE PRODUCT LIABILITY**

24 6.1 Defendants are product sellers within the meaning of RCW 7.72.010(1) and sold
 25 the Critter Trike product that is the subject of this action to decedent Sheila Dodson. The Critter

1 Trike product purchased and used by Sheila Dodson is a product within the meaning of RCW
 2 7.72.010 (3).

3 6.2 Under RCW 7.72.040(1)(a), as a seller of goods to the public, Defendants had a
 4 duty to use reasonable care in providing information and warnings to the users of the Critter Trike
 5 regarding dangers associated with the use of the Critter Trike of which defendants were aware, or
 6 through the exercise of reasonable care, should have been aware.

7 6.3 Defendants had a duty to use reasonable care to provide products which would be
 8 safe when used.

10 6.4 Defendants and/or their agents had express knowledge, or through the exercise of
 11 reasonable care, should have known the dangers of the Critter Trike. Despite this knowledge,
 12 defendants sold a Critter Trike to Sheila Dodson and failure to use due care to warn of the dangers
 13 of the Critter Trike.

14 6.5 Defendants knew or should have known its products would be purchased and used
 15 by consumers who expected the products to be safe. Defendants marketed its products specifically
 16 as being safe under the d/b/a SaferWholesale.com

17 6.6 Defendants were negligent in failure to provide adequate warnings and instructions
 18 to users of the dangers associated with the Critter Trike.

19 **VII. CAUSE OF ACTION – CONSUMER PROTECTION**

20 7.1 Defendants' actions, as outlined above, violate RCW 19.86 *et. seq.* (Consumer
 21 Protection Act).

23 7.2 As outlined herein, Great Sports Inc. d/b/a SaferWholesale.com marketed and sold
 24 the Critter Trike to Sheila Dodson with express statements and implications that the product was
 25 safe, despite Great Sports, Inc. d/b/a SaferWholesale.com's knowledge that it was not safe as

1 designed or manufactured.

2 7.3 Great Sports, Inc. d/b/a SaferWholesale.com continue to market and sell Critter
3 Trikes to the general public.

4 7.4 Sheila Dodson's purchase and use of the Critter Trike caused damage to her person
5 and her property including, but not limited to, damage to personal property and economic damages
6 incurred as a direct result of her injuries.

7.5 Sheila Dodson trusted and relied upon the express statements and implications from
material she reviewed on Saferwholesale.com when purchasing the Critter Trike.

10 7.6 As a result of defendants' violation of the Consumer Protection Act, plaintiffs are
11 entitled to recover reasonable attorney fees and costs incurred in the prosecution of this action and
12 for exemplary damages authorized by RCW 19.86.090, including, but not limited to, treble
13 damages.

VIII. DAMAGES

15 8.1 Defendants' actions as set forth herein, directly and proximately caused the harms
16 and damages outlined herein to decedent Sheila Dodson, the Estate of Sheila Dodson, and the
17 natural children of Sheila Dodson.

18 8.2 Plaintiff Sheila Dodson, by and through Brent Thomas Dodson, Personal
19 Representative of her Estate, suffered economic and non-economic damages, including pre-death
20 pain and suffering, disability, loss of enjoyment of life, and emotional trauma, in an amount to be
21 proven at trial, including all damages as provided under RCW 4.20.010, RCW 4.20.020, RCW
22 4.20.046, RCW 4.20.060, and RCW 19.86.090.

23 8.3 Natalie Brooke Blyzes, as the natural daughter of the decedent, suffered damages
24 in an amount to be proven at trial, including the destruction of the parent-child relationship and all
25 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

1 8.4 Brent Thomas Dodson, as the natural son of the decedent, suffered damages in an
 2 amount to be proven at trial, including the destruction of the parent-child relationship and all
 3 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

4 8.5 Jane Brittany Dodson, as the natural daughter of the decedent, suffered damages in
 5 an amount to be proven at trial, including the destruction of the parent-child relationship and all
 6 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

7 8.6 Mary Rebecca Otten, as the natural daughter of the decedent, suffered damages in
 8 an amount to be proven at trial, including the destruction of the parent-child relationship and all
 9 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

10 **IX. PRAYER FOR RELIEF**

11 WHEREFORE, plaintiffs' request that the Court enter judgment against the defendants,
 12 jointly and severally, including:

- 13 1. For special and general damages in amounts to be proven at trial;
- 14 2. For exemplary damages as authorized by statute;
- 15 3. For costs and disbursements;
- 16 4. For statutory attorney fees;
- 17 5. If Defendants bring frivolous or unfounded defenses, for attorney fees and costs
 18 pursuant to RCW 4.84.185 and/or CR 11;
- 19 6. For statutory interest on the judgment from the date of judgment is entered until
 20 paid in full;
- 21 7. For prejudgment interest on liquidated damages;
- 22 8. For such other and further relief as the Court may deem just and equitable.

1 DATED this 22nd day of June, 2022.

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BKB

BRANDON K. BATCHELOR #42477
Attorneys for Plaintiff

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FILED
6/22/2022
Timothy W Fitzgerald
Spokane County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

BRENT THOMAS DODSON as Personal Representative of the ESTATE OF SHEILA DODSON; NATALIE BROOKE BLYZES, individually; BRENT THOMAS DODSON, individually; JANE BRITTANY DODSON, individually; and MARY REBECCA OTTEN,

NO. 22-2-02058-32

SUMMONS

Plaintiff,

v.

GREAT SPORTS, INC. an Illinois Corporation, d/b/a SAFERWHOLESALE.COM; JOHN DOES 1-10; and ABC CORPORATIONS 1-10,

Defendants.

TO THE DEFENDANTS:

A lawsuit has been started against you in the above-entitled Court by plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the person signing this Summons within 20 days after the service of this Summons, or within 60 days if this Summons was served outside of the State of Washington, excluding the date of service, or a Default Judgment may be entered against you

SUMMONS - 1

RUSSELL & HILL, PLLC
3811-A BROADWAY
EVERETT, WA 98201
PHONE - (425) 212-9165
FAX - (425) 212-9168

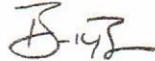
1 without notice. A Default Judgment is one where the plaintiff is entitled to what they ask for
2 because you have not responded. If you serve a Notice of Appearance on the undersigned person,
3 you are entitled to Notice before a Default Judgment may be entered.

4 You may demand that the plaintiff file this lawsuit with the Court. If you do so, the demand
5 must be in writing, and must be served upon the person signing this Summons. Within 14 days
6 after you serve the demand, the plaintiff must file this lawsuit with the Court, or the service on
7 you of this Summons and Complaint will be void.

8 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
9 that your written response, if any, may be served on time.

10 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
11 State of Washington.

12 DATED this 22nd day of June, 2022.

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15 BRANDON K. BATCHELOR #42477
16 Attorneys for Plaintiff

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SUMMONS - 2

RUSSELL & HILL, PLLC
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EVERETT, WA 98201
PHONE - (425) 212-9165
FAX - (425) 212-9168

FILED**JUNE 22, 2022**

Timothy W Fitzgerald
Spokane County Clerk

(Copy Receipt)

Clerk's Date Stamp

 SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE	JUDGE TIMOTHY B. FENNESSY 94
DODSON, BRENT THOMAS ETAL	CASE NO. 22-2-02058-32
Plaintiff(s)/Petitioner(s), vs. GREAT SPORTS INC	CASE ASSIGNMENT NOTICE AND ORDER (NTAS)
Defendant(s)/Respondent(s).	CASE STATUS CONFERENCE DATE: SEPTEMBER 23, 2022 AT 8:30 AM

ORDER

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon three days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <https://www.spokanecounty.org/4625/Superior-Court>

DATED: 06/22/2022



JULIE M. MCKAY
PRESIDING JUDGE

NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).

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6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 IN AND FOR THE COUNTY OF SPOKANE

8 BRENT THOMAS DODSON as Personal
9 Representative of the ESTATE OF SHEILA
10 DODSON; NATALIE BROOKE BLYZES,
individually; BRENT THOMAS DODSON,
individually; JANE BRITTANY DODSON,
individually; and MARY REBECCA OTTEN,

11 Plaintiffs,

12 vs.

13 GREAT SPORTS, INC. an Illinois Corporation,
14 d/b/a SAFERWHOLESALE.COM; JOHN
DOES 1-10; and ABC CORPORATIONS 1-10,

15 Defendants.

16 NO. 22-2-02058-32

17 NOTICE OF APPEARANCE OF
18 DEFENDANT GREAT SPORTS, INC.

19 COME NOW Defendant Great Sports, Inc., d/b/a Saferwholesale.com, and hereby enters
20 an appearance in the above-entitled action through Timothy E. Allen, Matt Halldorson, and Mullin,
Allen & Steiner, PLLC, attorneys of record, and request that all further pleadings herein, exclusive
of process, be served upon said attorneys at the following office address:

21 Mullin, Allen & Steiner PLLC
22 101 Yesler Way, Suite 400
Seattle, WA 98104

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26 NOTICE OF APPEARANCE
DEFENDANT GREAT SPORTS, INC.
Page 1

MULLIN, ALLEN & STEINER PLLC
101 Yesler Way, Suite 400
Seattle, WA 98104
Phone: (206) 957-7007
Fax: (206) 957-7008

DATED this 13th day of July 2022.

MULLIN, ALLEN & STEINER PLLC

/s/ Timothy E. Allen
Timothy E. Allen, WSBA #35337
Matt Halldorson, WSBA # 51850
Attorneys for Defendants Great Sports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a true and correct copy of the foregoing upon counsel as follows:

Plaintiff's Counsel:

Brandon K. Batchelor, WSBA #42477
Russell & Hill, PLLC
3811-A Broadway
Everett, WA 98201
(425) 212-9165
(425) 212-9168
brandan@russellandhill.com

- Via U.S. Mail
- Via Email
- Via Legal Messenger
- Via Fax
- Via Overnight Delivery

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 13th day of July 2022.

/s/ Emily Boehmer
Emily Boehmer, Paralegal